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U.S. Department of Transportation
Docket Management System
400 7th Street, SW, Room PL-400
Washington, DC 20591-0001

Dear Sirs,

This letter is a request an exemption from compliance with 14 C.F.R. 121.434 (c)(1)(ii) be granted to Trans States Airlines, Inc ("Trans States").

This exemption request is identical to that granted to Chautauqua Airlines, Inc on September 22, 2000. The basis for the request is also identical in many regards except that net economic effect is much more severe on Trans States.

Trans States Airlines requests relief from the following regulation:

Section 121.434 (c) (1) (ii) prescribes, in pertinent part, that if a qualifying PIC is completing initial or upgrade training specified in § 121. 424, the PIC must be observed in the performance of prescribed duties by an FAA inspector during at least one flight leg that includes a takeoff and a landing.

Trans States supports its request with the following information:

The original intent of § 121.434 (c) (1) (ii), issued in early 1970, was to validate the training a pilot received in a visual simulator. Since that rule was adopted, the airline industry has had nearly three decades of experience with visual simulators and advanced simulation. The airlines have successfully trained tens of thousands of pilots using sophisticated advanced simulators. Trans States believes the advanced simulation experience of the airline industry combined with that of the FAA has made the present rule obsolete.

In response to our recently announced expansion plans, including the addition of more EMB-145 to our fleet and our experience with severe delays during expansions in the past. Trans States asserts that delays caused by waiting until the FAA can observe a qualifying PIC are costly, Trans States asserts that because of limited labor and resources at the St. Louis, Missouri, Flight Standards District Office (FSDO), Trans States' Principal Operations Inspector (POI) has been unable to provide personnel to perform operating experience (OE) observations on a timely basis. Recognizing it as an unacceptable long-term solution, Trans States has tried to use inspectors from other FSDOs in the past; however, the results have been inconsistent. Trans States asserts that

these delays have ranged from 1 to 54 days, with an average wait of 7.1 days at a cost to the airline of as much as \$701 per day, per pilot. Which totals an average of \$4977 per pilot due to the unavailability of FAA Inspectors.

Trans States further asserts that the FAA has the authority to, and routinely does, observe any pilot at any time. However, the FAA conducts these routine observations on a schedule that the local office sets without the burden of having to observe a particular pilot on specific flights necessitated by the airline's training and service schedule.

Trans States contends that relieving the FAA inspectors of their obligation to observe pilots as required under § 121.434 (c) (1) (ii) would allow the FAA to focus its efforts on higher priority safety concerns.

Trans States has been advised that at Safety Summit I, sponsored by the Department of Transportation and the FAA, one of the recommendations from the Training Issues Working Group was to allow a qualified company check airman to provide the FAA observation when an FAA inspector is not available. Trans States adds that this would allow the FAA to target its personnel on those areas deserving higher priority and attention and, thus, provide a more cost-effective use of an inspector's time. Trans States Airlines states on information and belief that this Safety Summit I recommendation has been endorsed at all levels of the FAA as an action that clearly would benefit the FAA and airlines.

Trans States believes that the proposed exemption would be in the public interest.

Trans States asserts that granting this exemption would allow—

- The FAA greater flexibility and better use of its inspection force by focusing on higher priority safety functions;
- Trans States Airlines to use a qualified pilot immediately after completing OE;
- Trans States Airlines to significantly increase the use of qualified pilots and improve its ability to provide on-time, dependable air service to the public; and
- Trans States Airlines to reduce the unnecessary cost of wages and lost productivity for those qualified pilots waiting for the FAA observation.
- Trans States Airlines to compete on equal playing field with other regional airlines, specifically Chautauqua Airlines, Inc. who currently enjoys such an exemption.

Trans States further adds that, in some instances, the FAA inspector performing the observation may not even be qualified in the airplane being flown. By allowing a company check airman who is highly qualified in the airplane to complete the

observation, a greater level of scrutiny and objectivity would be provided for the qualifying PIC.

Finally, Trans States proposes that the requested exemption be subject to the following conditions and limitations, if granted:

- Trans States Airlines would submit to its POI an estimate of the number of PICs completing training and a plan of how OE observations would be conducted. The plan would be approved by the POI before a qualified check airman began an OE observation.
- The requirement of § 121.434 (c) (1) (ii) would be considered fulfilled if a FAA-authorized check airman performs the observation. The observation requirement would be documented in the qualifying pilot's record.
- Trans States Airlines would nominate qualified check airmen to perform the OE observation, and the FAA would approve the qualified check airmen to conduct the observation through a letter of authorization.
- The authorized check airman would be a check airman other than the one who is conducting the OE flights of the qualifying pilot.

Thank you for your consideration of our request for this exemption. If you require any further information please contact me directly.

Respectfully Submitted,

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